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|---|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/815,440  | 03/22/2001  | Steven M. Bennett    | 5038-87             | 5232             |
| 7590  | 01/05/2004  |                      | EXAMINER            |                  |
| Julie L. Reed<br>MARGER JOHNSON & McCOLLOM, P.C.<br>1030 S.W. Morrison Street<br>Portland, OR 97205 |             |                      | LEWIS, MICHAEL A    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2655                | 2                |
| DATE MAILED: 01/05/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |   |
|------------------------------|-----------------|---|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |
|                              | 09/815,440      | BENNETT ET AL.  |
|                              | Examiner        | Art Unit  |
|                              | Lewis A Michael | 2655  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

2. Claims 4,6,9 -14,16-18,20-24,26-28, 30 & 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following errors were observed—

- (a) Claim dependency inconsistencies (Claims 4,6,17,21, dependent claims, are 'self-referencing').
- (b) Claims do not make sense (e.g. Claim 18 referencing "article" while claim 19 does not).
- (c) Claim referring to non-existent claims (e.g. Claim 30 references a non-existent claim 31).
- (d) Claims duplicated (e.g. Claim 10 and 13 seem to be the same).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,3,5,6,7,8,15.19 & 25 are rejected under 35 U.S.C. 102(e) as being unpatentable over Sharma et al. (U.S. Patent 6480825).

Regarding claim 1, Sharma et al. disclose a method for improving speech recognition performance, the method comprising:

- a. Determining initial information and mapping target (Col 10, Line 25).
- b. Mapping the initial information to at least one model (Col 1, Line 38).
- c. Identifying a model having a best fit to the initial information (Col 10, Line 55).
- d. Associating the model having a best fit with the mapping target as a default model (Col 12, Line 1).

Regarding claims 2 & 5, Sharma et al. disclose a mapping target further comprises of a user and a communication channel (Col 13, Line 60).

Regarding claim 3, Sharma et al. disclose that the initial information is related to personal characteristics of the user (Col 7,Line 40).

Regarding claim 6 (assuming dependency on claim 5), Sharma et al. disclose that the communication channel characteristics will comprise of the user's phone characteristics (Col 13, Line 63).

Regarding claim 7, Sharma et al. disclose a method that further associates at least one alternative model with the mapping target from the mapped models. Sharma et al. describe that during the verification process, a password of the users are stored and verified against a stored version [mapping process]. In addition, the communication channel characteristics [alternative model] are also stored and verified against a version that was stored during enrollment and linked to the password data (Col 14, Line 25).

Regarding claims 8 & 15, Sharma et al. disclose a method for dynamically selecting a speech model and an article including instructions that comprises of:

- a. Receiving a call from a user (Col 14, Line 24)
- b. Determining characteristics of a communication channel through which the call is received (Col 14, Line 10)
- c. Selecting a speech model based upon the characteristics of the channel (Col 14, Line 30).
- d. Configuring a speech recognizer to use the selected model (Col 14, Line 39).

Regarding claims 19 & 25, Sharma et al. disclose a method for dynamically selecting a speech model and an article including instructions that, when executed, result in:

- a. Reception of a call from a user (Col 13, Line 63 – Col 14, Line 1)
- b. Identification of the user (Col 13, Line 36)
- c. Access of user information (Col 16, Line 8). Sharma et al. describes access to a banking system where the user will access his/her banking information.
- d. Selection of a speech model based upon characteristics of the user (Col 7, Lines 35-45).
- e. Configuring a speech recognizer to use the selected model (Col 9, Line 51).

3. Claim 29 is rejected under 35 U.S.C. 102(e) as being unpatentable over Junqua et al. (U.S Patent 6415257).

Regarding claim 29, Junqua et al. et al. disclose a speech recognition system, comprising:

- a. At least two speech models (Col 2, Line 60).
- b. A control module (Figure 1, See 10, 12, 14, 24) operable to:
  - i. Determine context information about a call (Col 3, Line 8)
  - ii. Select one of the speech models based on the context information (Col 3, Line 12)
  - iii. Configure a speech recognizer to use the selected model (Col 10, Line 55)

- c. A recognition engine operable to:
  - i. Receive an input speech stream (Col 2, Line 36).
  - ii. Receive information about which speech model to use from the control module (Col 2, Line 46 - Line60).
  - iii. Convert an input speech stream to an output text stream using the model (Col 5, Line 16).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al.(U.S. Patent 6480825) in view of Junqua et al.(U.S Patent 6415257).

Regarding claim 4 (assuming that this claim is dependent on claim 3), Sharma et al. disclose a method for improving speech recognition performance, the method comprising:

- a. Determining initial information to at least one model (Col 10, Line 25).
- b. Mapping the initial information to at least one model (Col 1, Line 38).
- c. Identifying a model having a best fit to the initial information (Col 10, Line 55).
- d. Associating the model having a best fit with the mapping target as a default model (Col 12, Line 1).

Sharma et al. also disclose that the initial information is related to the personal characteristics of the user (Col 7, Line 40). Sharma et al. do not disclose the personal characteristics that include gender, native language, age, ethnicity and home region. However, Junqua et al. teach the use of identifying the age of certain users so that channels can be blocked (Col 3, Line 1). The identity of the user is necessary information can be selectively limited e.g. blocking a child's access to a television channel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sharma et al. to include the age, gender, etc. of the user as taught by Junqua et al. since it would have selectively limit/give access to users based on characteristics related to age, gender, etc.

### Conclusion

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**  
(703) 872 9314,  
(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")  
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Lewis, telephone number (703) 305-8730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703) 305-4827. The facsimile phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mal

12/22/2003

  
DORIS H. TO 12/29/03  
SUPERVISORY PATENT EXAMINER  
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